

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

COMMONWEALTH OF PENNSYLVANIA,  
PENNSYLVANIA GAME COMMISSION,

Plaintiff,

v.

THOMAS E. PROCTOR HEIRS TRUST and  
the MARGARET O.F. PROCTOR TRUST,

Defendants.

Case No. 1:12-CV-1567

Judge Conner

**STIPULATION OF FACTS FOR TRIAL**

Plaintiff, the Commonwealth of Pennsylvania, Pennsylvania Game Commission (“PGC”), and Defendants, the Thomas E. Proctor Heirs Trust and the Margaret O.F. Proctor Trust (the “Trusts”), hereby submit the following Stipulation of Facts for use at trial:

1. By warrant dated January 22, 1793, the Commonwealth of Pennsylvania warranted a tract of land then located in Northumberland County to Josiah Haines (the “Josiah Haines Warrant”).
2. By patent dated June 27, 1794, the Commonwealth subsequently conveyed the Josiah Haines Warrant (also known as “Trap”), patented at 407¾ acres, to Daniel Brodhead.
3. The Josiah Haines Warrant is located in what is now LeRoy Township, Bradford County.

4. Through a series of conveyances, Schrader Mining & Manufacturing Co. acquired ownership of the Josiah Haines Warrant.

5. By deed dated June 5, 1893, Schrader Mining & Manufacturing Co. conveyed the Josiah Haines Warrant, along with forty-three other tracts (collectively, the “Schrader Lands”) to Thomas E. Proctor and Jonathan A. Hill.

6. By deed dated October 27, 1894 (the “Union Tanning Deed”), Thomas E. Proctor and his wife Emma H. Proctor, and Jonathan A. Hill and his wife Lucy M. Hill, conveyed the surface estate of the Schrader Lands and other tracts, including the Josiah Haines Warrant (collectively, the “Proctor & Hill Lands”) to Union Tanning Co.

7. The Union Tanning Deed found at Exhibit J4 is true and correct.

8. Shortly after executing and delivering the Union Tanning Deed, Thomas E. Proctor died in December 1894.

9. Pursuant to the will of Thomas E. Proctor, the residue of his estate was devised to his heirs in trust.

10. The Thomas E. Proctor Heirs Trust and the Margaret O.F. Proctor Trust are the heirs of Proctor and/or successors to his interest in the Josiah Haines Warrant.

11. By deed dated May 5, 1903 (the “Union-CPLC Deed”), the Union Tanning Company conveyed certain interests with respect to the Josiah Haines Warrant to the Central Pennsylvania Lumber Company (“CPLC”).

12. The Union-CPLC Deed at Exhibit J5 is true and correct.

13. Taxes assessed against the Josiah Haines Warrant for 1907 were not

paid prior to June 8, 1908. (**Note:** The parties do *not* stipulate as to whether or not the assessment included subsurface oil, gas and mineral rights, matters for resolution at trial.)

14. From 1894 through 1921 the Josiah Haines Warrant was assessed as unseated. (**Note:** The parties do *not* stipulate as to whether or not the Josiah Haines Warrant was in fact unseated.)

15. On June 8, 1908, the Josiah Haines Warrant was sold by the W.F. Waters, the Treasurer of Bradford County at tax sale, to recover unpaid 1907 taxes. (**Note:** The parties do *not* stipulate as to the nature or extent of this interest, and do *not* stipulate as to whether or not it included subsurface oil, gas and mineral rights, matters for resolution at trial.)

16. At the June 8, 1908 tax sale, the purchaser of the Josiah Haines Warrant was Calvin H. McCauley, Jr. (“McCauley Jr.”). By deed dated December 6, 1910, Calvin H. McCauley, Jr. and Florence M. McCauley, in consideration of a payment of \$1.00, “grant[ed], remise[d], release[d] and quit-claim[ed]” to CPLC “[a]ll their right, title, interest and estate of, in, and to” forty-five parcels, including the Josiah Haines Warrant.

17. By deed dated December 14, 1920 (the “CPLC-PGC Deed”), CPLC conveyed to the Commonwealth 7,492.9 acres of land, including the Josiah Haines Warrant.

18. The CPLC-PGC Deed at Exhibit J6 is true and correct.

19. The PGC's acquisition of the Josiah Haines Warrant and other warrants contained in the L-2 Contract is noted in the Bradford County Assessment Book.

20. Bradford County, LeRoy Township and Barclay Township assessment records for 1921 indicate the owners of these tracts as the Commonwealth of Pennsylvania.

21. Union Tanning Company was a subsidiary of the U.S. Leather Company.

22. Elk Tanning Company was a subsidiary of the U.S. Leather Company.

23. The Susquehanna and New York Railroad was a subsidiary of the U.S. Leather Company.

24. The Central Pennsylvania Lumber Company was a subsidiary of the U.S. Leather Company.

25. In connection with the December 14, 1920 purchase of properties from CPLC, including the Josiah Haines Warrant, as well as in connection with other purchases from CPLC, the Board of Game Commissioners retained John E. Potter to examine the titles of the properties in advance of the conveyance.

Dated: December 4, 2020

Respectfully submitted,

/s/ Bradley C. Bechtel\*

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*\*With permission*

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Respectfully submitted,

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